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536 Mission Street, Suite 2323  
San Francisco, CA 94105  
Tel: (415) 442-6611

Attorneys for Defendants William Tull, Daniel Gibby and  
Gibby Novelties, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAUL MONTWILLO, an individual

Plaintiff,

vs.

WILLIAM TULL; DANIEL GIBBY;  
GIBBY NOVELTIES, LLC dba ARSENIC  
& APPLE PIE, a California Limited  
Liability Corporation and DOES 1 through  
20, inclusive,

Defendants.

And related Counter-Claim

) CASE NO. C 07 3947 SI  
)  
) Declaration of Marc H. Greenberg in Support of  
) Motion for Summary Judgment of Defendants  
) William Tull, Daniel Gibby and Gibby Novelties,  
) LLC  
) **(FRCP RULE 56(C))**  
) April 25 2008  
) 9:00 a.m.  
) Judge Illston, Courtroom 10  
)  
) The Federal Building  
450 Golden Gate Avenue  
San Francisco, CA 94102

Complaint filed: August 1, 2007

1 I, Marc H. Greenberg, declare:

2 1. I am an attorney licensed by the State of California, admitted to practice before this  
3 Court since 1979, and I am co-counsel for Defendants William Tull, Daniel Gibby and  
4 Gibby Novelties, LLC. I am authorized by my clients to make this Declaration in support of their  
5 Motion for Summary Judgment, filed herewith.

6 2. On the afternoon of March 10, 2008, I conducted the deposition of the Plaintiff, Paul  
7 Montwillo, in this action. Mr. Montwillo was represented in his deposition by his attorney,  
8 Stephen A. Sommers.

9 3. During the course of the deposition, a series of documents were identified and marked  
10 as Exhibits to the deposition. Two of the marked deposition exhibits were comprised of several  
11 documents marked collectively, specifically deposition Exhibit Number 5 (consisting of two  
12 pages depicting the back of the Trailer Trash Doll Edition 1 and Edition 2 respectively) and  
13 Exhibit Number 7 (consisting of the front page (back page was not produced) of five separate  
14 copyright registration certificates for five different doll designs).

15 4. Seven of the nine Exhibits marked in the deposition of Plaintiff Montwillo are referenced  
16 in Defendants' Memorandum of Points and Authorities filed in support of their Motion for  
17 Summary Judgment. They have been renumbered to avoid confusion. In the case of the  
18 copyright registration certificates, they have been renumbered as separate exhibits for this  
19 Motion. The renumbered Exhibits referenced in the Memorandum of Points and authorities are  
20 as follows:

23 Item	Deposition Exhibit	Memo Exhibit
24 Stipulated Injunction – Mattel v. In-Jean-lous	3	1
25 Partnership Agreement	2	2
26 Copyright Notice on Doll Boxes	5	3
27 Bankruptcy Petition & Schedules	6	4
28 Copyright Certificate – Talking Pregnant Doll	7	5

1	Copyright Certificate – Talking Boy Doll	7	6
2	Copyright Certificate - Trailer Trash Doll	7	7
3	Copyright Certificate – Redhead Drag Queen Doll	7	8
4	Copyright Certificate – Blonde Drag Queen Doll	7	9
5	Letter 7/12/04 from P. Montwillo to D. Wong	4	10

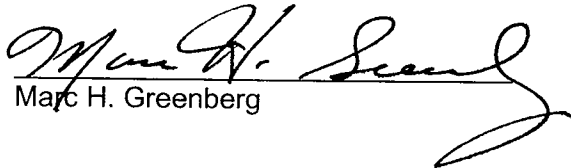
6 A true and correct copy of each of these ten documents, made from the copies attached  
7 as exhibits to the deposition transcript of the deposition of Paul Montwillo, is attached hereto  
8 and renumbered as set forth herein.

9 4. The Memorandum of Points and Authorities also contains citations to deposition  
10 testimony of Plaintiff Paul Montwillo. Attached hereto and incorporated by reference herein are  
11 true and correct copies of the deposition transcript pages, in full, wherein each of the cited  
12 testimony excerpts may be found. The pages attached are arranged in numerical order, as  
13 follows: Pages 49, 50, 52, 53, 70, 71, 75, 76, 77, 88, 90, 91, 92, 93, 94, 95, 107, 122, and 123.

14  
15 I certify under penalty of perjury under the laws of the United States of America that the  
16 foregoing is true and correct, and that I am able to testify competently thereto.

17 Executed in San Francisco, California on March 19, 2008.

18  
19 Dated:

20  
21   
22 Marc H. Greenberg  
23  
24  
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28

**EXHIBIT 1**

**RECEIVED**

MAR 21 1997

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

10

SAN FRANCISCO HEADQUARTERS

11

CASE NO. C-97-0012 EFL

12

STIPULATED INJUNCTION BY  
DEFENDANT IN-JEAN-IOUS, INC.

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v.

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DEFENDANT'S  
EXHIBIT

3  
3/10/08 Monroeville

PENGAD 800-631-6989

1 Plaintiff Mattel, Inc. and defendant In-Jean-Ious,  
2 Inc., by their attorneys, hereby stipulate as follows with  
3 respect to this action:

4 A. In-Jean-Ious, Inc. and its principals, directors,  
5 officers, agents, servants, employees, successors and assigns,  
6 and all those in active concert or participation with them, will  
7 immediately and permanently cease manufacturing, producing,  
8 distributing, circulating, selling, offering for sale,  
9 advertising, importing, exporting, promoting or publicly  
10 displaying any product or thing bearing any simulation,  
11 reproduction, counterfeit, copy or confusingly similar likeness  
12 of Mattel's BARBIE® doll line Trademarks, BARBIE® doll line  
13 Copyrights, BARBIE® doll line Product or Packaging Trade Dress or  
14 KEN® Product Trade Dress, or engaging in any other activity  
15 constituting an infringement of Mattel's BARBIE® doll line  
16 Trademarks, BARBIE® doll line Copyrights, BARBIE® doll line  
17 Product or Packaging Trade Dress, KEN® Product Trade Dress or of  
18 Mattel's rights in, or to use or to exploit, said trademarks,  
19 copyrights and trade dress or constituting any dilution of  
20 Mattel's name, reputation or good will, including but not limited  
21 to:

22 1. Imitating, copying or making unauthorized use of  
23 Mattel's Registered Trademarks in its BARBIE® line of dolls,  
24 which includes the KEN® doll and other BARBIE® doll family  
25 and friend dolls, including but not limited to Mattel's  
26 Registered Trademarks Nos. 689,055, 726,935, 741,208,  
27 768,397, 774,892, 799,068, 884,564, 907,137, 1,000,125,  
28 1,461,136, 1,476,981, 1,476,090, 1,476,981, 1,477,905,

1 1,493,304, 1,503,153, 1,506,108, 1,549,304, 1,564,784,  
 2 1,564,789, 1,567,336, 1,572,146, 1,687,244, 1,710,196,  
 3 1,773,571, 1,760,729, 1,780,437, 1,897,052, 1,940,997,  
 4 1,947,330, 1,988,932, 1,995,873, 1,996,483, 2,016,054,  
 5 2,016,384 and 2,037,634 (hereinafter "Barbie Trademarks").

6 2. Imitating, copying or making unauthorized use of  
 7 Mattel's Registered Copyrights in the BARBIE® line of dolls,  
 8 which includes the KEN® doll and other BARBIE® doll family  
 9 and friend dolls, and packaging for the BARBIE® line of  
 10 dolls and products associated with the BARBIE® line of  
 11 dolls, including but not limited to Mattel's Certificates of  
 12 Copyright Registration Nos. GP 121682, RE 280637, RE 280638,  
 13 RE 374906, RE 664481, RE 664482, VA 121837, VA 121923, VA  
 14 157488, VA 157489, VA 214712, VA 222223, VA 222225, VA  
 15 226313, VA 286513, VA 287403, VA 290561, VA 290562, VA  
 16 297202, VA 323785, VA 351455, VA 370521, VA 373201, VA  
 17 376038, VA 377302, VA 426477, VA 454723, VA 623672, VA  
 18 639942, VA 722238 (hereinafter "Barbie Copyrights").

19 3. Imitating, copying or making unauthorized use of  
 20 Mattel's BARBIE® doll line Packaging Trade Dress, including  
 21 but not limited to the following elements:

22 (a) background or trim in specific shades of  
 23 pink;

24 (b) the name of the products in yellow and/or  
 25 white words;

26 (c) the BARBIE® doll line trademarks scripted  
 27 in white.  
 28

1           4.     Imitating, copying or making unauthorized use of  
2     Mattel's BARBIE® doll line Product Trade Dress defined by at  
3     least the following elements:

4                 (a)     the unique proportions of the BARBIE®  
5     doll's hour-glass shaped body, and

6                 (b)     the BARBIE® doll's particular set of facial  
7     features which alert the public as to the source of the  
8     BARBIE® doll as Mattel.

9           5.     Imitating, copying or making unauthorized use of  
10    Mattel's KEN® Product Trade Dress defined by at least the  
11    following elements:

12                (a)     a particular body shape, and

13                (b)     the KEN® doll's particular set of facial  
14    features which alert the public as to the source of the  
15    KEN® doll as Mattel.

16           6.     Assisting, aiding or abetting any other person or  
17    business entity in engaging or performing any of the  
18    activities referred to in subparagraphs 1 through 5 above.

19           B.     In consideration of this Stipulated Injunction,  
20    Mattel hereby dismisses its claims against defendant In-Jean-  
21    Ious; provided, however that this Court will retain jurisdiction  
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over In-Jean-Ious to the extent necessary to enforce this  
injunction and to determine any contempt issues which may arise  
concerning this Order.

IT IS SO STIPULATED.

Dated: March 18, 1997

QUINN EMANUEL URQUHART & OLIVER, LLP

By Adrian M. Pruetz  
Adrian M. Pruetz  
Attorneys for Plaintiff  
Mattel, Inc.

Dated: March 19, 1997

MORGENSTEIN & JUBELIRER

By Lewis Barr  
Lewis Barr  
Attorneys for  
Defendant In-Jean-Ious, Inc.

[PROPOSED] ORDER

Having read and considered the foregoing Stipulation of  
the parties and good cause appearing therefor,

IT IS SO ORDERED.

MAR 27 1997

Eugene F. Lynch  
Honorable Eugene F. Lynch  
U.S. DISTRICT COURT JUDGE

## VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing \_\_\_\_\_

\_\_\_\_\_ and know its contents

☒ CHECK APPLICABLE PARAGRAPH

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am ☐ an Officer ☐ a partner \_\_\_\_\_ ☐ a \_\_\_\_\_ of \_\_\_\_\_

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason ☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for \_\_\_\_\_, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, California

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Type or Print Name

Signature

## PROOF OF SERVICE

1013A (3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is: 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017

On April 1, 1997, I served the foregoing document described as STIPULATED INJUNCTION BY DEFENDANT IN-JEAN-IOUS, INC.

\_\_\_\_\_ on interested parties in this action

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:  
☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Lewis D. Barr, Esq.  
 Morgenstein & Jubelirer  
 One Market Plaza  
 Spear Street Tower, 32nd Floor  
 San Francisco, California 94105

Denise DeMory, Esq.  
 Keker & VanNest LLP  
 710 Sansome Street  
 San Francisco, California 94111

☒ BY MAIL

☐ I deposited such envelope in the mail at \_\_\_\_\_, California.  
 The envelope was mailed with postage thereon fully prepaid.

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on April 1, 1997, at Los Angeles, California

☐ **\*(BY PERSONAL SERVICE)** I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.  
☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Martha P. Herrera

Type or Print Name

Martha P. Herrera

Signature

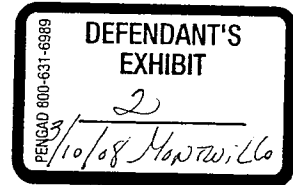
STUART'S EXHIBIT TIMEBAYER (REVISED 5/1/88)  
 NEW DISCOVERY LAW 2030 AND 2031 CCP  
 (May be used in California State or Federal Courts)

(BY MAIL, SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)  
 \*\* (FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

IN SAN DIEGO COUNTY LOCAL RULE 6.7 REQUIRES "ALL PROOFS OF SERVICE FILED WITH THE COURT AS OF JULY 1, 1990" MUST SPECIFY THE NAME OF THE PARTY SERVED, THE NATURE AND STATUS OF HIS/HER INVOLVEMENT IN THE CASE, I.E. PLAINTIFF, DEFENDANT, CROSS COMPLAINT, ETC., AND THE NAME, ADDRESS AND PHONE NUMBER OF HIS/HER COUNSEL OF RECORD.

**EXHIBIT 2**

Partnership Agreement



This contract is a binding agreement between William Tull Jr. and Paul Montwillo (d.b.a. Hansen), concerning their responsibilities in their partnership in the business known as "Arsenic and Apple Pie".

William Tull Jr. will be primarily responsible for the financial investment of startup costs, and upkeep until the business shows a profit. Mr. Tull is also responsible for bookkeeping, sales, and distribution.

Paul Montwillo will be primarily responsible for Art Direction, Design, and Advertising of the product line. This would include such things as: corporate identification, product design, package design, web site design and maintenance, and print advertising.

Both parties will share the responsibility of marketing, and any of the fore-mentioned responsibilities, should a need arise.

In return for their efforts each party shall receive 50% of the net profits from the business, after Mr. Tull has been returned his initial investment plus interest at the current a.p.r.

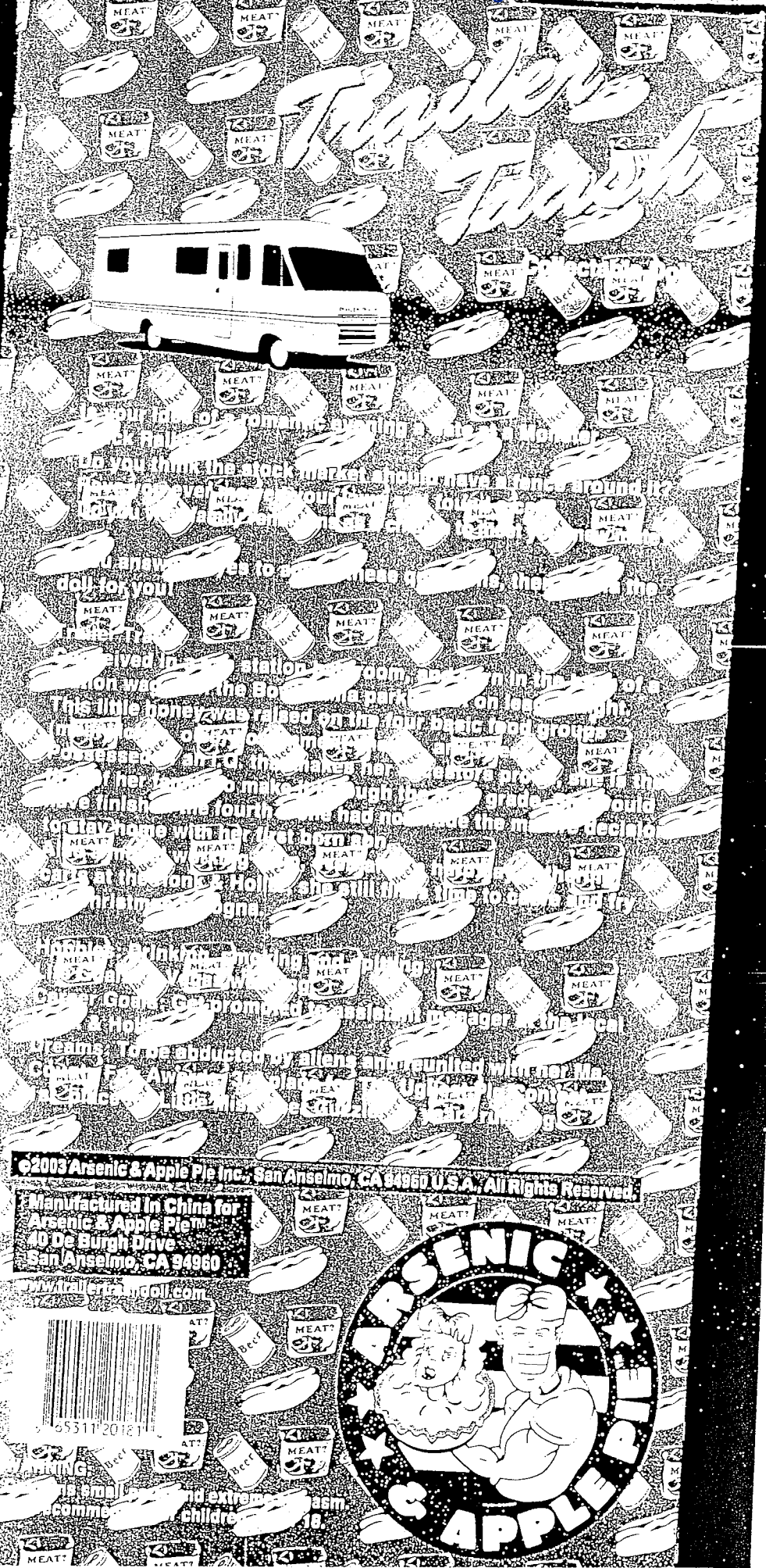
If either party should decide not to fulfill his designated responsibilities within the partnership, the remaining partner shall retain exclusive rights to all the products of their combined efforts until that point in time.

This contract will remain in effect for two years from date signed, or until a limited liability corporation has been formed.

William Tull Jr.      7/16/97  
William Tull Jr.      date

Paul Montwillo      7/16/97  
Paul Montwillo      date

**EXHIBIT 3**



©2003 Arsenic & Apple Pie Inc., San Anselmo, CA 94960 U.S.A. All Rights Reserved.  
 Manufactured in China for  
 Arsenic & Apple Pie  
 40 De Burgh Drive  
 San Anselmo, CA 94960

www.arsenicandapplepie.com



PENG: 3/10/08 Mowros; 116  
 DEFENDANT'S  
 EXHIBIT  
 5

000018



# Trailer Trash



If your idea of a romantic evening is eating a Monster  
Black Roll.

Do you think the stock market should have a fence around it?

Do you ever have your family sit around the table and

talk about the family's financial future? Or do you just

eat and drink and then go to bed?

Well, if you answer yes to any of these questions, there's the

Trailer Trash for you!

Trailer Trash is a station house, a room, a place in the heart of a

non-warmer, the South, the park, or on lead.

This little honey was raised on the four basic food groups:

(1) meat, (2) eggs, (3) dairy, and (4) the maker tier.

Of her family, she makes enough to make a grade, she is the

one who finishes the fourth grade and has no more to do.

to stay home with her first born son.

At the time, she was a single mother, she was a single mother.

At the time, she was a single mother, she was a single mother.

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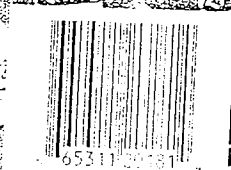
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At the time, she was a single mother, she was a single mother.

At the time, she was a single mother, she was a single mother.

At the time, she was a single mother, she was a single mother.



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**EXHIBIT 4**



(Official Form 1) FormB1 (9/01)

United States Bankruptcy Court  
NORTHERN DISTRICT OF CALIFORNIA

## Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):

MONTWILLO, PAUL

Name of Joint Debtor (Spouse)(Last, First, Middle):

All Other Names used by Debtor in the last 6 years  
(include married, maiden, and trade names):

PAUL HANSEN

All Other Names used by the Joint Debtor in the last 6 years  
(include married, maiden, and trade names):

Soc. Sec./Tax I.D. No. (if more than one, state all):

089-50-0488

Soc. Sec./Tax I.D. No. (if more than one, state all):

Street Address of Debtor (No. &amp; Street, City, State &amp; Zip Code):

3638 22ND STREET  
SAN FRANCISCO CA 94114

Street Address of Joint Debtor (No. &amp; Street, City, State &amp; Zip Code):

County of Residence or of the  
Principal Place of Business: SAN FRANCISCOCounty of Residence or of the  
Principal Place of Business:

Mailing Address of Debtor (if different from street address):

Mailing Address of Joint Debtor (if different from street address):

Location of Principal Assets of Business Debtor  
(if different from street address above):

## Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principle place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

## Type of Debtor (Check all boxes that apply)

- ☒ Individual(s) ☐ Railroad
- ☐ Corporation ☐ Stockbroker
- ☐ Partnership ☐ Commodity Broker
- ☐ Other \_\_\_\_\_

Chapter or Section of Bankruptcy Code Under Which  
the Petition is Filed (Check one box)

- ☒ Chapter 7 ☐ Chapter 11 ☐ Chapter 13
- ☐ Chapter 9 ☐ Chapter 12
- ☐ Sec. 304 - Case ancillary to foreign proceeding

## Nature of Debts (Check one box)

- ☒ Consumer/Non-Business ☐ Business

## Chapter 11 Small Business (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U.S.C. § 101
- ☐ Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)

## Filing Fee (Check one box)

- ☒ Full Filing Fee Attached
- ☐ Filing Fee to be paid in installments (Applicable to individuals only)  
Must attach signed application for the court's consideration  
certifying that the debtor is unable to pay fee except in installments.  
Rule 1006(b). See Official Form No. 3.

## Statistical/Administrative Information (Estimates only)

- ☐ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☒ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditor

Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Assets		\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Debts		\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Case # 02-30619 SFC7

Debtor: Paul Montwillo

Judge: Thomas E. Carlson

Trustee: E. Lynn Schoenmann

341 Mtg: 09:00 AM, 04/17/02

San Francisco, CA

Tentative - Notice to be mailed

Chapter 7 Office 3-SF

Filed: 11:17 AM, 03/11/02

Order for Relief

Clerk, U.S. Bankruptcy Court

Northern District of California

Rcpt.# 030014855 - DC

TOTAL PAID: \$200.00

by: Paul Montwillo

DEFENDANT'S  
EXHIBIT

PENGAD 800-631-6389

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3/16/09 Montwillo

000433

(Official Form 1) (9/01)

**Voluntary Petition***This page must be completed and filed in every case)*

Name of Debtor(s):

FORM B1, Page 2

**PAUL MONTWILLO****Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)**

Location Where Filed:

**NONE**

Case Number:

Date Filed:

**Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)**

Name of Debtor:

**NONE**

Case Number:

Date Filed:

District:

Relationship:

Judge:

**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Debtor

X **Not Applicable**

Signature of Joint Debtor

Telephone Number (if not represented by attorney)

Date

**Signature of Attorney**X **Not Applicable**

Signature of Attorney for Debtor(s)

Print Name of Attorney for Debtor(s)

Firm Name

Address

Telephone Number

Date

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X **Not Applicable**

Signature of Authorized Individual

**Not Applicable**

Printed Name of Authorized Individual

Title of Authorized Individual

Date

**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Security Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X **Not Applicable**

Signature of Attorney for Debtor(s)

Date

**Exhibit C**

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.☒ No**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. §110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

**Not Applicable**

Printed Name of Bankruptcy Petition Preparer

**Not Applicable**

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X **Not Applicable**

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

000...

Form B6-Cont.  
(6/90)United States Bankruptcy Court  
NORTHERN DISTRICT OF CALIFORNIAIn re **PAUL MONTWILLO**  
DebtorCase No. \_\_\_\_\_  
(If known)

## SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts from Schedules D, E, and F to determine the total amount of the debtor's liabilities.

AMOUNTS SCHEDULED					
NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	YES	1	\$ 0.00		
B - Personal Property	YES	4	\$ 8099.00		
C - Property Claimed as Exempt	YES	1			
D - Creditors Holding Secured Claims	YES	1		\$ 0.00	
E - Creditors Holding Unsecured Priority Claims	YES	1		\$ 0.00	
F - Creditors Holding Unsecured Nonpriority Claims	YES	2		\$ 17246.00	
G - Executory Contracts and Unexpired Leases	YES	1			
H - Codebtors	YES	1			
I - Current Income of Individual Debtor(s)	YES	1			\$ 920.00
J - Current Expenditures of Individual Debtor(s)	YES	1			\$ 2220.00
Total Number of Sheets of ALL Schedules ➤		14			
Total Assets ➤			\$ 8099.00		
Total Liabilities ➤				\$ 17246.00	

000298

In re **PAUL MONTWILLO**  
 Debtor

Case No. \_\_\_\_\_  
 (If known)

**SCHEDULE B - PERSONAL PROPERTY**  
 (Continuation Sheet)

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	Husband, Wife, Joint or Comm- unity	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
6 Wearing apparel.		<b>CLOTHING</b> 3638 22ND STREET, SAN FRANCISCO, CA 94114		300.00
7 Furs and jewelry.	X			0.00
8 Firearms and sports, photographic, and other hobby equipment.	X			0.00
9 Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			0.00
10 Annuities. Itemize and name each issuer.	X			0.00
11 Interests in IRA, ERISA, keogh, or other pension or profit sharing plans. Itemize.	X			0.00
12 Stock and interests in incorporated and unincorporated businesses. Itemize.	X			0.00
13 Interests in partnerships or joint ventures. Itemize.		<b>ARSENIC &amp; APPLE PIE LLC</b> 432 CASTRO ST, SAN FRANCISCO, CA 94114		6000.00
14 Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			0.00

FORM B6B - Cont.  
(10/89)In re **PAUL MONTWILLO**  
DebtorCase No. \_\_\_\_\_  
(If known)**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	Husband, Wife, Joint or Comm- unity	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
15 Accounts receivable.	X			0.00
16 Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			0.00
17 Other liquidated debts owing debtor including tax refunds. Give particulars.	X			0.00
18 Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X			0.00
19 Contingent and non-contingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			0.00
20 Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			0.00
21 Patents, copyrights, and other intellectual property. Give particulars.	X			0.00
22 Licenses, franchises, and other general intangibles. Give particulars.	X			0.00

000300

FORM B6B - Cont.  
(10/89)In re **PAUL MONTWILLO**  
DebtorCase No. \_\_\_\_\_  
(If known)**SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	Husband, Wife, Joint or Comm- unity	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
23 Automobiles, trucks, trailers, and other vehicles and accessories	X			0.00
24 Boats, motors, and accessories.	X			0.00
25 Aircraft and accessories.	X			0.00
26 Office equipment, furnishings, and supplies.	X			0.00
27 Machinery, fixtures, equipment and supplies used in business.	X			0.00
28 Inventory.	X			0.00
29 Animals.	X			0.00
30 Crops - growing or harvested. Give particulars.	X			0.00
31 Farming equipment and implements.	X			0.00
32 Farm supplies, chemicals and feed.	X			0.00
33 Other personal property of any kind not already listed. Itemize.	X			0.00
Total ➤				8099.00

\_\_\_\_\_ continuation sheets attached

Total ➤

8099.00

(Include amounts from any continuation  
sheets attached. Report totals also on  
Summary of Schedules.)

000001

FORM B6C  
(6/90)

By re **PAUL MONTWILLO**  
Debtor

Case No. \_\_\_\_\_  
(If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemption to which debtor is entitled under:  
(Check one box)

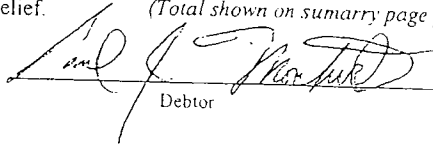
- ☐ 11 U.S.C. § 522(b)(1): Exemptions provided in U.S.C. § 522(d). **Note: These exemptions are available only in certain states.**
- ☒ 11 U.S.C. § 522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

All references are to California Code of Civil Procedures unless otherwise noted.

DESCRIPTION OF PROPERTY	SPECIFIC LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION
CLOTHING	703.140(B)(3);	300.00	300.00
CHECKING ACCOUNT	703.140(B)(10)(A);	400.00	400.00
ARSENIC & APPLE PIE LLC	703.140(B)(5);	6000.00	12000.00
COMPUTER	703.140(B)(3);	899.00	899.00
FURNITURE/APPLIANCES	703.140(B)(3);	500.00	500.00

000502



Form B6 - Cont.  
(12/94)In re **PAUL MONTWILLO**  
DebtorCase No. \_\_\_\_\_  
(If known)**DECLARATION CONCERNING DEBTOR'S SCHEDULES****DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**I declare under penalty of perjury that I have read the foregoing summary and schedules consisting of 15  
sheets, and that they are true and correct to the best of my knowledge, information and belief. (Total shown on summary page plus 1.)Date 3/10/02Signature: 

Debtor

Date \_\_\_\_\_

Signature: \_\_\_\_\_

(Joint Debtor, if any)

[If joint case, both spouses must sign.]

**CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (Sec. 11 U.S.C. §110)**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. §110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Not Applicable

Printed or Typed Name of Bankruptcy Petition Preparer

Not Applicable

Social Security No.

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

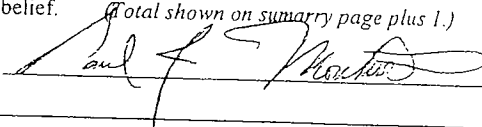
☒ Not Applicable

Signature of Bankruptcy Petition Preparer

Not Applicable

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP**I, the Partner [the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the partnership] of the Arsenic & Apple Pie LLC [corporation or partnership] named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 15  
sheets, and that they are true and correct to the best of my knowledge, information and belief. (Total shown on summary page plus 1.)Date 3/10/02Signature: 

[Print or type the name of individual signing on behalf of debtor.]

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571

000012



**EXHIBIT 5**

## Certificate of Registration



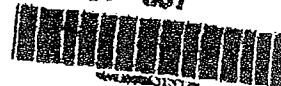
This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**Form VA**  
For a Work of the Visual Arts  
Copyright Office

VAU631-337



EFFECTIVE DATE OF REGISTRATION

July 2 2004

1

Title of This Work

LATE CONTINUATION SHEET.

NATURE OF THIS WORK See Instructions

*Talking Pregnant Trailer Trail Doll Doll*

Franchise or Alternative Title

*Trash Talking Trixie*

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume

Number

Issue Date

On Pages

2

NAME OF AUTHOR

*a Paul John Montavillo*

DATES OF BIRTH AND DEATH  
Year Born Year Died

1967

Was this contribution to the work a "work made for hire"?

☐ Yes

☒ No

Author's Nationality or Domestic

Place of Country

OR

Citizen of

Domestic in

*United States*

Was This Author's Contribution to the Work

Anonymous?

☐ Yes

☒ No

Pseudonymous?

☐ Yes

☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☒ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Name of Author

b

Date of Birth and Death

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes

☒ No

Author's Nationality or Domestic

Place of Country

OR

Citizen of

Domestic in

Was This Author's Contribution to the Work

Anonymous?

☐ Yes

☒ No

Pseudonymous?

☐ Yes

☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

3

Year in Which Creation of This Work Was Completed

*a 1998*

This information must be given in all cases.

Year

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month

Day

Year

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

*Paul John Montavillo*

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

JUL 02 2004

ONE DEPOSIT RECEIVED

JUL 02 2004

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

NOTE ON BACK - Complete all applicable boxes (numbers 5-8) on the reverse side of this card.

DO NOT WRITE HERE

As 1067

**EXHIBIT 6**

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
Register of Copyrights, United States of America

**Form VA**  
For a Work of the Visual Arts  
U.S. COPYRIGHT OFFICE  
**VAU 631-338**  
EFFECTIVE DATE OF REGISTRATION  
*July 2 2004*

**1** Title of This Work **Trailer Trash Roy Doll**  
Previous or Alternative Titles **Bubba Mallet Doll**  
Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work **Doll**

If published in a periodical or serial give: Volume **1** Number **1** Issue Date **1967** On Pages **1-2**

**2** NAME OF AUTHOR **a Paul John Montwillo**  
Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No  
Author's Nationality or Domicile **United States**  
Was This Author's Contribution to the Work Anonymous? ☐ Yes ☒ No Pseudonymous? ☐ Yes ☒ No  
Nature of Authorship Check appropriate box(es). See instructions.  
☒ 3-Dimensional sculpture ☐ Map ☐ Technical drawing  
☐ 2-Dimensional artwork ☐ Photograph ☐ Text  
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

**NOTE**  
Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

**b** Name of Author **Paul John Montwillo**  
Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No  
Author's Nationality or Domicile **United States**  
Was This Author's Contribution to the Work Anonymous? ☐ Yes ☒ No Pseudonymous? ☐ Yes ☒ No  
Nature of Authorship Check appropriate box(es). See instructions.  
☒ 3-Dimensional sculpture ☐ Map ☐ Technical drawing  
☐ 2-Dimensional artwork ☐ Photograph ☐ Text  
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

**3** Year in Which Creation of This Work Was Completed **a 1998**  
Date and Nation of First Publication of This Particular Work **b**  
Copyright Claimant(s) Name and address must be given even if the claimant is the same as the author given in space 2. **Paul John Montwillo**

**4** Transfer if the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. **Paul John Montwillo**

APPLICATION RECEIVED  
JUL 02 2004  
ONE DEPOSIT RECEIVED  
JUL 02 2004  
TWO DEPOSITS RECEIVED  
FUNDS RECEIVED

**EXHIBIT 7**

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**Form VA**  
For a Work of the Visual Arts  
UNITED STATES  
REG VA 1-271-342



EFFECTIVE DATE OF REGISTRATION

7-13-04

Title of This Work

Trailer Trash Doll

SEE CONTINUATION SHEET.

NATURE OF THIS WORK See Instructions

Doll

Previous or Alternative Titles

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume

Number

Issue Date

On Pages

NAME OF AUTHOR

Paul John Montwill whose pseudonym is Paul Hansen

DATE OF BIRTH AND DEATH  
Year Born 1967 Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes

☒ No

Author's Nationality or Domicile

or Citizen of U.S.A.

Domiciled in

Was This Author's Contribution to the Work

Anonymous?

☐ Yes

☒ No

Pseudonymous?

☒ Yes

☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☒ 3-Dimensional sculpture

☐ 2-Dimensional artwork

☐ Reproduction of work of art

☐ Map

☐ Photograph

☐ Jewelry design

☐ Technical drawing

☐ Text

☐ Architectural work

Name of Author

Dates of Birth and Death

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

Author's Nationality or Domicile

or Citizen of

Domiciled in

Was This Author's Contribution to the Work

Anonymous?

☐ Yes

☐ No

Pseudonymous?

☐ Yes

☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☐ 3-Dimensional sculpture

☐ 2-Dimensional artwork

☐ Reproduction of work of art

☐ Map

☐ Photograph

☐ Jewelry design

☐ Technical drawing

☐ Text

☐ Architectural work

Year in Which Creation of This Work Was Completed

1998

This information must be given in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month 07

Day 01

Year 2000

U.S.A.

COPYRIGHT CLAIMED Name and address must be given even if the claimant is the same as the author given in space 2.

Paul John Montwill

3638 22nd Street

San Francisco CA 94114

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICANT RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MAKING ON BLACK • Complete all applicable spaces (numbers 1-4) on the reverse side of this card.

DO NOT WRITE HERE

001 05

**EXHIBIT 8**



FAX NO. : 415 551 7942

Oct. 11 2004 11:01AM P2

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**Form VA**  
For a Work of the Visual Arts  
UNITED STATES COPYRIGHT OFFICE

VA 1-271-341



7-13-04

**1** Title of This Work **Redhead Drag Queen Doll** **DATE CONTINUATION SHEET.**  
NATURE OF THIS WORK **Doll**  
Previous or Alternative Titles **Doll**  
Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Page

**2** NAME OF AUTHOR **Paul John Montwillo** **whose pseudonym is Paul Hansen** **DATES OF BIRTH AND DEATH**  
Year Born **1967** Year Died  
Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No  
Author's Nationality or Domestic Name of Country **USA**  
OR ☒ Citizen of **USA** ☐ Domestic in  
Nature of Authorship Check appropriate box(es). See instructions.  
☒ 3-Dimensional sculpture ☐ Map ☐ Technical drawing  
☐ 2-Dimensional artwork ☐ Photograph ☐ Text  
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

DEFENDANT'S EXHIBIT  
7

PHOTO 800-631-6989

Name of Author **Paul John Montwillo** **Dates of Birth and Death**  
Year Born **1967** Year Died  
Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No  
Author's Nationality or Domestic Name of Country **USA**  
OR ☒ Citizen of **USA** ☐ Domestic in  
Nature of Authorship Check appropriate box(es). See instructions.  
☒ 3-Dimensional sculpture ☐ Map ☐ Technical drawing  
☐ 2-Dimensional artwork ☐ Photograph ☐ Text  
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

**3** Year in Which Creation of This Work Was Completed **1998** **Data and Nation of First Publication of This Particular Work**  
Complete this information ONLY if this work has been published. Month **07** Day **01** Year **2000**  
**4** COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. **Paul John Montwillo**  
**3638 22nd Street**  
**San Francisco CA 94114**  
Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. **U.S.A.**

**JUL 13 2004**  
**ONE DEPOSIT RECEIVED**  
**TWO DEPOSITS RECEIVED**  
**JUL 13 2004**  
**FUNDS RECEIVED**

WORK ON BACK - Complete all applicable spaces (numbers 5-9) on the reverse side of this page.

DO NOT WRITE HERE

001 04





## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**Form VA**  
For a Work of the Visual Arts  
UNITED STATES COPYRIGHT OFFICE

VA 1-271-343



EFFECTIVE DATE OF REGISTRATION

7-13-07  
Month Day Year

LATE CONTINUATION SHEET.

NATURE OF THIS WORK ☒ See Instructions

1 Title of This Work ☒

*Blonde Drag Queen Doll*

Previous or Alternative Titles ☒

*Doll*

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ☒

If published in a periodical or serial give: Volume ☒

Number ☒

Issue Date ☒

On Pages ☒

2 NAME OF AUTHOR ☒

*a Paul John Montwill* whose pseudonym is *Paul Hansen*

DATES OF BIRTH AND DEATH  
Year Born ☒ 1967  
Year Died ☒

Was this contribution to the work a "work made for hire"? ☒ Yes ☒ No

Author's Nationality or Domicile  
Name of Country ☒ U.S.A.

OR  
Citizen of ☒ U.S.A.  
Domiciled in ☒

Was This Author's Contribution to the Work

Anonymous? ☒ Yes ☒ No  
Pseudonym? ☒ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions.

☒ 3-Dimensional sculpture

☒ Map

☒ Technical drawing

☒ 2-Dimensional artwork

☒ Photograph

☒ Text

☒ Reproduction of work of art

☒ Jewelry design

☒ Architectural work

Name of Author ☒

Dates of Birth and Death  
Year Born ☒

Year Died ☒

Was this contribution to the work a "work made for hire"? ☒ Yes ☒ No

Author's Nationality or Domicile  
Name of Country ☒

OR  
Citizen of ☒  
Domiciled in ☒

Was This Author's Contribution to the Work

Anonymous? ☒ Yes ☒ No  
Pseudonym? ☒ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions.

☒ 3-Dimensional sculpture

☒ Map

☒ Technical drawing

☒ 2-Dimensional artwork

☒ Photograph

☒ Text

☒ Reproduction of work of art

☒ Jewelry design

☒ Architectural work

3 Year in Which Creation of This Work Was Completed ☒

*a 1998*

This information must be given Year in all cases ☒

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month ☒ 07 Day ☒ 01 Year ☒ 2000

*U.S.A.*

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ☒

*Paul John Montwill*

*3038 22nd Street  
San Francisco CA 94114*

Transfer: If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ☒

APPLICANT RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ☒

Complete on applicable issues (numbers 1-27) on the reverse side of this issue.

DO NOT WRITE HERE

001 06

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

See instructions before completing this space.





Paul Montwillo  
Managing Partner  
Arsenic & Apple Pie, LLC  
3638 22nd Street  
San Francisco, CA 94114

David Wong  
Attorney at Law  
320 Montford Ave.  
Mill Valley, CA 94941

July 13, 2008 <sup>4</sup>

Re: Arsenic & Apple Pie, LLC

Dear Mr Wong:

Pursuant to Section 9.1 of the operating agreement I do not concede to dissolution of the company at this time.

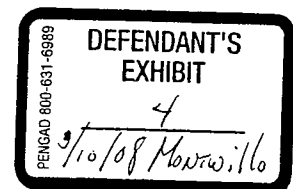
Please send me detailed copies of all the books from Arsenic & Apple Pie, also any and all contracts, sales documents, and product orders the company has participated or intends to participate in.

I hold the copyrights to all my designs, not the company. If the company or Mr. Tull would be interested, I would be willing to give exclusive license of my designs (Trailer Trash Doll, Blonde Drag Queen, Red Head Drag Queen, Talking Pregnant Trailer Trash Doll, and Male Mullet Trailer Trash Doll) for \$10,000 each, provided payment of \$50,000 is made within ten business days.

Pursuant of Section 2.4 of the operating agreement, I expect you to act in the best interest of the company. Putting Mr. Tull's well being ahead of the well being of the company would surely be considered a conflict of interest.

Sincerely,

Paul J. Montwillo  
Managing Partner  
Arsenic & Apple Pie, LLC



MON163

**MONTWILLO DEPOSITION**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAUL MONTWILLO, an  
individual,

Plaintiff,

vs.

WILLIAM TULL; DANIEL GIBBY; GIBBY  
NOVELTIES, LLC dba ARSENIC & APPLE  
PIE, a California Limited  
Liability Corporation and DOES 1  
through 20, inclusive,

Defendants.

No. C 07 3947 SI

Pages 1 thru 124

Volume I

Deposition of

PAUL MONTWILLO

March 10, 2008

Reported By:

JAN BROWN JONES # 4685

COPY

JAN BROWN & ASSOCIATES

CERTIFIED SHORTHAND REPORTERS

701 Battery St., 3rd Floor, San Francisco, California 94111

(415) 981-3498 or (800) 522-7096

10:09 1 A. I recall having it removed because -- for that  
14:20:12 2 reason.  
14:20:13 3 Q. Okay. And you discussed removing some of the  
14:20:15 4 language with Mr. Tull?  
14:20:18 5 A. Yes. We were sending back and forth drafts and I  
14:20:23 6 remember we were making notes on them.  
14:20:26 7 Q. So you asked that certain language be removed?  
14:20:28 8 A. Yes.  
14:20:29 9 Q. But you don't recall what the language was?  
14:20:34 10 A. Not precisely, no. It was a very long time ago.  
14:20:38 11 Q. Do you have copies of any of those communications  
14:20:41 12 between you and Mr. Tull and in particular the one  
10:44 13 in which you made a request that this language be  
14:20:47 14 removed?  
14:20:48 15 A. I do not. I threw all the drafts away.  
14:20:51 16 Q. So you threw all the drafts away. And you don't  
14:20:55 17 recall what the language was?  
14:20:57 18 A. Not precisely, no.  
14:20:58 19 Q. Do you recall in general what it said?  
14:21:00 20 A. Yes. It was something that concerned me that it  
14:21:04 21 was transferring my intellectual property rights to  
14:21:08 22 the corporation and that's why I had it removed.  
14:21:11 23 Q. Okay. Well, let's go back then to this question of  
14:21:17 24 a license agreement. Aside from having some  
11:19 25 language removed, which you have indicated that you

1 requested be done in the LLC, in the operating  
2 statement, the LLC, is there any specific statement  
3 that reserves intellectual property rights, and in  
4 particular copyrights, to you personally?  
5 A. There is not.  
6 Q. Is there anything in writing prior to the filing of  
7 this lawsuit in which you have in writing advised  
8 Mr. Tull that you retain ownership of the  
9 copyrights to the doll designs?  
10 A. Yes.  
11 Q. What?  
12 A. A letter to Mr. Wong.  
13 Q. A letter to Mr. Wong. When was that?  
14 A. I don't recall exactly. It was during the time  
15 when Mr. Wong and Mr. Tull were trying to dissolve  
16 the corporation without my consent.  
17 Q. All right. So the dissolution of the Arsenic &  
18 Apple Pie LLC, I believe took place in 2004. Does  
19 that refresh your recollection about the year?  
20 A. I guess so. I mean, there's so much that's  
21 happened, I don't recall exact dates.  
22 MR. SOMMERS: Don't guess.  
23 THE WITNESS: I don't recall.  
24 MR. SOMMERS: And if you don't know the  
25 exact time frame, then say that you don't know and



13:41 1 produced.

14:23:42 2 THE WITNESS: Yes, definitely.

14:23:43 3 MR. WONG. The letter he sent to me?

14:23:45 4 MR. GREENBERG: The letter he says he  
14:23:46 5 wrote to you in connection with the dissolution  
14:23:47 6 of --

14:23:51 7 MR. SOMMERS: I'm sure it's part of our  
14:23:52 8 Rule 26. And it was definitely part of an exhibit  
14:23:55 9 in the motion to disqualify Mr. Wong.

14:24:08 10 MR. GREENBERG: While Mr. Wong is taking  
14:24:09 11 a look for that, let me ask you a different  
14:24:12 12 question then.

14:24:13 13 Q. So are we clear then that neither in the  
14:24:16 14 partnership agreement of '97 nor in the operating  
14:24:20 15 agreement for the LLC, was there any statement made  
14:24:24 16 that you claimed ownership to the copyrights in  
14:24:28 17 these doll designs. Is that correct?

14:24:31 18 MR. SOMMERS: Objection as to the scope  
14:24:32 19 of the question.

14:24:34 20 MR. GREENBERG: Okay. Is that correct?

14:24:37 21 MR. SOMMERS: Go ahead. I mean, I'm not  
14:24:38 22 clear about -- the objection is, are you talking  
14:24:41 23 about the operating agreement or are you talking  
14:24:43 24 about any statement?

14:24:44 25 MR. GREENBERG: No, I'm talking about the

1 4:45 1 operating agreement -- within the four corners of  
14:24:48 2 the operating agreement and the partnership  
14:24:49 3 agreement, two documents.

14:24:51 4 MR. SOMMERS: All right. Then the  
14:24:52 5 document speaks for itself.

14:24:53 6 MR. GREENBERG: Right.

14:24:54 7 THE WITNESS: No.

14:24:54 8 MR. GREENBERG:

14:24:55 9 Q. There is no statement of ownership by you of the  
14:24:57 10 copyright in the designs, correct?

14:24:59 11 MR. SOMMERS: Objection, the document  
14:25:00 12 speaks for itself.

1 5:03 13 MR. GREENBERG: Okay.

14:25:03 14 Q. Is that correct?

14:25:03 15 A. There is no -- no, there is no statement, that's  
14:25:07 16 correct.

14:25:08 17 Q. Okay.

14:25:09 18 MR. WONG: By the way, Counsel --

14:25:13 19 MR. GREENBERG: This is off the record.

14:25:13 20

14:25:13 21 (Off the record at 2:25 p.m. and  
14:25:17 22 back on the record at 2:31 p.m.)

14:31:19 23

14:31:19 24 MR. GREENBERG: Back on the record.

1 1:20 25

3:56 1 something.

14:53:58 2 Q. I'm sorry?

14:53:59 3 A. It's a sticker.

14:54:04 4 Q. Okay. Do you know what was there before?

14:54:07 5 A. I don't know what is under there.

14:54:11 6 Q. You don't know what is under it?

14:54:12 7 A. No.

14:54:13 8 Q. Was there a sticker on the first one regarding the

14:54:19 9 copyright date or is it printed on the box?

14:54:22 10 A. It's printed on the box.

14:54:23 11 Q. Okay. And you oversaw the production of these

14:54:26 12 boxes?

4:27 13 A. Yes.

14:54:29 14 Q. If you owned the copyrights to these designs, why

14:54:34 15 does the copyright notice say it's copyright

14:54:37 16 Arsenic & Apple Pie on both of these?

14:54:43 17 A. I don't know. I own the copyrights to the dolls.

14:54:57 18 Q. Okay. Now, from the 1997 partnership agreement

14:55:03 19 date, through to the dissolution of the LLC in

14:55:09 20 2004, am I correct that all costs for the design,

14:55:15 21 development, manufacture and distribution of the

14:55:23 22 dolls was paid for by Bill Tull?

14:55:23 23 A. Bill Tull made a loan to the company, yes.

14:55:26 24 Q. To cover those costs?

5:28 25 A. Yeah. So the company paid for them.

55:32 1 Q. Right. Using the money he had loaned?

14:55:35 2 A. Uh-huh.

14:55:35 3 Q. Is that right?

14:55:36 4 A. Yes.

14:55:37 5 Q. You didn't advance any money for those costs, did  
14:55:41 6 you?

14:55:42 7 A. No.

14:55:44 8 Q. Did you understand that you had any obligation  
14:55:46 9 personally to pay for any of those costs?

14:55:50 10 A. No.

14:56:35 11 MR. GREENBERG: Let's mark this as next  
14:56:36 12 in order.

14:56:37 13

14:56:38 14 (Whereupon the Voluntary  
14:56:38 15 Petition United States  
14:56:38 16 Bankruptcy Court Northern  
District of California was  
marked for identification as  
Defendants' Exhibit No. 6.)

14:56:40 17

14:57:15 18 MR. GREENBERG: All right. Good.

14:57:16 19 Q. Mr. Montwillo, I've handed you a document which  
14:57:19 20 we've marked as Exhibit 6 and which I'll represent  
14:57:22 21 for the record is entitled "Voluntary Petition,  
14:57:27 22 United States Bankruptcy Court, Northern District  
14:57:30 23 of California" and ask you to take a few moments to  
14:57:32 24 go through this and then I'll ask you a couple of  
14:57:35 25 questions about it.

07:30 1 page 3, and this would be page 5 of this -- yes,  
15:07:35 2 page 5 of this document. I want to direct your  
15:07:38 3 attention down to item number 21 of the document.  
15:07:42 4 And it asks under "Type of Property" for "Patents,  
15:07:46 5 copyrights, and other intellectual property," and  
15:07:48 6 then you are asked to give particulars.

15:07:51 7 The box list identifying "None" is  
15:07:56 8 checked and the dollar value is zero.

15:07:58 9 Do you see that?

15:07:59 10 A. Yes.

15:07:59 11 Q. As of two thousand -- March of 2002, when you  
15:08:05 12 signed this document, was it true that you owned no  
08:08 13 copyrights of any value?

15:08:12 14 MR. SOMMERS: Objection, calls for a  
15:08:14 15 legal conclusion, calls for a financial conclusion,  
15:08:17 16 speculation.

15:08:18 17 THE WITNESS: No.

15:08:18 18 MR. GREENBERG:

15:08:18 19 Q. It's not true?

15:08:21 20 A. I didn't -- I did this without a lawyer.

15:08:24 21 Q. I understand.

15:08:25 22 A. I did not know what I was doing, but if I had to  
15:08:28 23 list every piece of artwork I've ever made in my  
15:08:30 24 life, I mean, it would be impossible, you know, to  
08:34 25 list all of that.

1 I guess I glossed over it. I didn't know  
2 what I was doing.

3 Q. Okay. And then underneath 21, number 22 asks you  
4 to describe "Licenses, franchises, and other  
5 general intangibles. Give particulars." Again, it  
6 indicates "None" and has a zero dollar figure.

7 Given your prior testimony today that you  
8 granted a license to the company to use your  
9 designs during this time period, is this a correct  
10 statement that you owned no licenses as of March  
11 '02?

12 MR. SOMMERS: Objection, calls for a  
13 legal conclusion in that before he discussed the  
14 license in layman's terms and he described exactly  
15 what he meant and now it's being used in a  
16 different format and I don't think he can answer  
17 it.

18 MR. GREENBERG: No, I'm just asking why  
19 he didn't indicate something that he believed he  
20 had.

21 THE WITNESS: I didn't know what I was  
22 doing.

23 MR. GREENBERG: Okay.

24 THE WITNESS: I didn't have a lawyer, I  
25 did this without a lawyer. I didn't know what I

15:09:40 1 was doing.

15:09:41 2 MR. GREENBERG:

15:09:58 3 Q. So I'm accurate in saying that in this bankruptcy  
15:10:03 4 filing you didn't indicate any ownership interest  
15:10:06 5 in the doll designs, did you?

15:10:10 6 A. Apparently not. I didn't indicate ownership of  
15:10:23 7 anything I ever designed in here. I'm not a  
15:10:28 8 lawyer.

15:10:31 9 Q. I want to direct your attention, Mr. Montwillo,  
15:10:33 10 back to Exhibit 4, which I believe you have right  
15:10:37 11 under the bankruptcy schedule there, the letter  
15:10:40 12 that you wrote, the July 2004 letter. It's dated  
15:10:44 13 July 13, 2004.

15:10:47 14 A. Uh-huh. Yes.

15:10:48 15 Q. In paragraph three you make the statement, "I hold  
15:10:51 16 the copyrights to all my designs, not the company."

15:10:57 17 As of July 13, 2004, had you registered  
15:11:02 18 copyright designs for all of these different listed  
15:11:07 19 designs?

15:11:08 20 A. I don't recall the date I registered copyrights,  
15:11:11 21 but they are probably in the room.

15:11:22 22 Q. Yes, we're getting there.

15:11:23 23

15:12:27 24 (Whereupon the Certificates of  
15:12:27 25 Registration were marked for  
identification as Defendants'

1 conclusion, I'm asking for your lay understanding.

2 MR. SOMMERS: Now are you talking about  
3 what he understands it to be now or what he  
4 understood it to mean --

5 MR. GREENBERG: Fair enough.

6 Q. When you checked this box, what was your  
7 understanding, lay understanding, not legal, of  
8 what the term "made for hire" meant?

9 MR. SOMMERS: Objection, speculative.

10 THE WITNESS: Well, now -- or I guess  
11 then, I mean, I don't think my opinion of work for  
12 hire has changed. If I do a custom piece for  
13 someone that has not yet been created, that would  
14 be considered work for hire. Like if I do  
15 someone's living room, that's a work for hire.

16 If I do something because I want to do  
17 it, that's not a work for hire, or I produce it on  
18 my own, it's not a work for hire. Or I produce on  
19 commissions is a work for hire.

20 MR. GREENBERG: Okay.

21 Q. So when you were checking this box "No," you  
22 checked this box no because you didn't do these  
23 designs as a commission. Is that right?

24 A. Right. They were actually portraits.

25 Q. They were --



1 independent contractor?

2 A. I'm sorry. Again?

3 Q. Sure. Did those terms "employee/independent  
4 contractor" enter into your consciousness when you  
5 were making a determination to check the box and  
6 say no, these aren't works for hire, were you  
7 thinking about employer/independent contractor?

8 MR. SOMMERS: Objection, speculation.

9 THE WITNESS: I was thinking --

10 MR. SOMMERS: Vague. Go ahead.

11 THE WITNESS: Neither. That's not what I  
12 was thinking.

13 MR. GREENBERG: That's what I wanted to  
14 know. Thank you.

15 Q. Now, with the exception of the pregnant doll and  
16 the male doll, the first three designs, Trailer  
17 Trash Doll, Blonde Drag Queen and Red Head Drag  
18 Queen, is it accurate to say that your contribution  
19 to those designs was with respect to wigs, clothing  
20 and facial make-up?

21 MR. SOMMERS: Objection, compound. Do  
22 you want to ask them individually?

23 MR. GREENBERG: I'm trying to get to the  
24 totality of what he designed. I can ask it that  
25 way too.

15:31:46 1 MR. SOMMERS: Again, why don't you do it  
15:31:47 2 that way, not that globally.  
15:31:47 3 MR. GREENBERG:  
15:31:48 4 Q. Other than the body --  
15:31:49 5 A. Right.  
15:31:51 6 Q. Well, let's back up. With respect to those three  
15:31:53 7 dolls, Trailer Trash Doll, Blonde Drag Queen and  
15:31:56 8 Red Head Drag Queen, you didn't design the body.  
15:31:59 9 Is that correct?  
15:32:01 10 A. That's correct.  
15:32:03 11 Q. What did you design on those three dolls?  
15:32:10 12 A. The clothing. The pants. The accessories.  
15:32:21 13 Q. Okay.  
15:32:22 14 MR. SOMMERS: Was there anything besides  
15:32:23 15 the body that you didn't design?  
15:32:26 16 THE WITNESS: The only thing I didn't  
15:32:27 17 design was the body. We used standard bodies. I  
15:32:30 18 designed everything else.  
15:32:34 19 MR. GREENBERG:  
15:32:34 20 Q. And taking a look at the box we've got here, which  
15:32:40 21 we're not going to be able to attach to the record,  
15:32:42 22 but I'll just represent -- and I think that we've  
15:32:45 23 already concluded that this is one of the designs,  
15:32:47 24 Trailer Trash Edition 1. Is that correct?  
15:32:50 25 A. Yes.

32:53 1 Q. This particular design features the model, the doll  
15:33:01 2 in what looks to be a representation of blue jean  
15:33:06 3 shorts. I believe you previously made reference to  
15:33:11 4 these as "Daisy May" shorts?  
15:33:13 5 A. Daisy Duke shorts.  
15:33:16 6 Q. Daisy Duke shorts. And does that come from "The  
15:33:19 7 Dukes of Hazard" television show?  
15:33:22 8 A. Yes.  
15:33:22 9 Q. The character of Daisy Duke? That's how you were  
15:33:26 10 describing them.  
15:33:27 11 A. There was a reference, yes.  
15:33:33 12 Q. And the doll also is wearing a red and white  
33:38 13 checked halter top. Is that how you would  
15:33:42 14 characterize that garment?  
15:33:46 15 A. Well, I guess halter top isn't correct, but --  
15:33:49 16 Q. How would you describe it?  
15:33:51 17 A. I can't remember the correct word for that.  
15:33:54 18 Q. Is it a crop top?  
15:33:55 19 A. Crop top maybe, something. I don't know. Skimpy,  
15:33:59 20 skimpy thing on top.  
15:34:02 21 Q. Right. And the hairdo of the doll is pig tails?  
15:34:07 22 A. Yes.  
15:34:08 23 Q. Pig tails and bangs?  
15:34:11 24 A. And black roots, yes.  
34:12 25 Q. And notably the black roots.

34:15 1 A. And the cigarette, yes. And the blue eye shadow.

15:34:16 2 Q. Okay. Cigarettes, blue eye shadow.

15:34:23 3 Have you ever seen characters in  
15:34:26 4 literature, movies or any other genre, where these  
15:34:32 5 elements are incorporated to convey rural or poor  
15:34:38 6 white individuals?

15:34:39 7 A. Well, that's what I was trying to convey; I mean,  
15:34:42 8 it obviously stems from a stereotype.

15:34:48 9 Q. And these elements are elements of that stereotype,  
15:34:52 10 right?

15:34:53 11 A. Yes.

15:34:53 12 Q. Would it be fair to say that with respect to the  
34:56 13 Blonde Drag Queen and the Red Head Drag Queen, that  
15:34:59 14 you attempted also to utilize similar genre  
15:35:05 15 stereotypes to convey the impression of what the  
15:35:08 16 doll was?

15:35:09 17 MR. SOMMERS: Objection, horribly vague.  
15:35:11 18 Horribly, horribly vague.

15:35:16 19 THE WITNESS: No.

15:35:17 20 MR. GREENBERG: Okay.

15:35:19 21 Q. With respect to the Blonde Drag Queen, what  
15:35:23 22 elements did you add to that design?

15:35:28 23 A. Everything but the body.

15:35:30 24 Q. And what were those elements; what is the  
35:32 25 everything?

1 A. Dress, purse, hair, makeup. Everything.

2 Packaging. Whatever.

3 Q. And how would it be that someone looking at that  
4 doll would know that it was supposed to be a drag  
5 queen as opposed to an actual female?

6 A. It has a male body. It's exaggerated makeup. It's  
7 a drag queen.

8 Q. From your expression --

9 A. I'm like, what? It's a drag queen.

10 Q. Right. My sense is that the elements that you  
11 incorporated were so clear that anyone looking at  
12 it would know it was a drag queen. Is that right?

13 A. That's correct.

14 Q. And in order for that to happen, people looking at  
15 this have to have a stereotype in mind of what a  
16 drag queen is. Isn't that also true?

17 MR. SOMMERS: Objection, argumentative.

18 THE WITNESS: No.

19 MR. GREENBERG: No?

20 THE WITNESS: No.

21 MR. SOMMERS: Calls for opinion.

22 MR. GREENBERG: Okay.

23 Q. How would you characterize the hair on the Blonde  
24 Drag Queen?

25 MR. SOMMERS: Objection, vague.

MR. GREENBERG:

Q. Well, what choice did you make as to what the hair should be for the Blonde Drag Queen?

MR. SOMMERS: Objection, vague. Go ahead.

THE WITNESS: I chose long blonde hair.

MR. GREENBERG:

Q. Why?

A. I knew I was going to do a white dress. So a lot of drag queens like to do Marilyn, so I put the blonde in a white dress.

Q. Sort of to evoke the drag queen version of Marilyn?

A. Yes.

Q. Was the Red Head Drag Queen evocative of any celebrity?

A. Brian O'Rourke.

Q. And who is that?

A. A friend of mine.

Q. And does Brian O'Rourke on occasion attire himself as a drag queen?

A. Yes.

Q. So this was designed to look like him?

A. Yes.

Q. Did you get a license from him?

A. No. No, I did not. I believe he has the original

01:44 1 Q. Going back to Exhibit 4, July 13, 2004, this is  
16:01:49 2 your letter to Mr. Wong. You state in the third  
16:01:56 3 paragraph, "I hold the copyrights to all my  
16:01:59 4 designs, not the company." We've gone over that  
16:02:01 5 once or twice before.

16:02:04 6 Was it your understanding, Mr. Montwillo,  
16:02:08 7 that as of July 13, 2004, Arsenic & Apple Pie  
16:02:16 8 intended to continue to sell the dolls that you  
16:02:22 9 claim you held the copyrights to?

16:02:24 10 A. That was a response. I don't recall the letter it  
16:02:28 11 was in response to. I was addressing a letter I  
16:02:30 12 received from Mr. Wong.

02:32 13 Q. Okay. After July 13, 2004, was it your  
16:02:36 14 understanding that Arsenic & Apple Pie continued to  
16:02:38 15 sell the designs -- the dolls that embodied the  
16:02:43 16 designs you claim to own?

16:02:45 17 A. Yes.

16:02:53 18 Q. Did you prior to the filing of the copyright  
16:02:56 19 infringement lawsuit in this case, ever send notice  
16:03:01 20 to Arsenic & Apple Pie that you believed that they  
16:03:05 21 were violating your copyright?

16:03:09 22 A. You are looking at it.

16:03:11 23 Q. Okay. So in your view this letter of July 13,  
16:03:14 24 2004, was you sending notice to them that they were  
03:18 25 violating your copyright?

35:02 1 A. I'm not sure if Alan prepared them or who prepared  
16:35:04 2 them, but I got them, yes.  
16:35:07 3 Q. And did you review those?  
16:35:08 4 A. When I got them; yes, I did.  
16:35:10 5 Q. So did that give you a sense what the financial  
16:35:13 6 status of the company was?  
16:35:15 7 A. Well, there were some years where they said I made  
16:35:18 8 money and I didn't, that I was paid. I got audited  
16:35:21 9 by the IRA.  
16:35:22 10 Q. You got audited by the IRA in connection with what?  
16:35:27 11 A. With not claiming enough money that they -- that  
16:35:31 12 was said I was paid.  
35:33 13 Q. So the company reported payment or income to you  
16:35:38 14 that you are saying you didn't receive?  
16:35:41 15 A. That's correct.  
16:35:42 16 Q. In what amount?  
16:35:44 17 A. I don't recall.  
16:35:46 18 Q. What was the outcome of the audit?  
16:35:48 19 A. I was okay.  
16:35:50 20 Q. You weren't required to pay any tax?  
16:35:53 21 A. No.  
16:35:55 22 Q. Any penalties?  
16:35:58 23 A. I don't think so, no.  
16:36:00 24 Q. Did any of the returns that you received from the  
16:03 25 company ever indicate that you were being paid



1 16:05 1 royalties?

16:36:08 2 A. Royalties?

16:36:09 3 Q. Yes.

16:36:10 4 A. No. I don't think so. I don't recall. It just  
16:36:22 5 said I was paid, period, that's all it said. It  
16:36:25 6 didn't say for what.

16:36:31 7 MR. GREENBERG: We're done. Thank you.

16:36:36 8

16:36:36 9 (Whereupon the deposition was  
16:36:36 10 concluded at 4:36 p.m.)

16:36:36 11

16:36:36 12

1 16:36 13 PAUL MONTWILLO

16:36:36 14

16:36:36 15

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1 16:36 25